

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BAKER HUGHES INCORPORATED,
et al.,

Plaintiffs,

VS.

DANIEL S. HOMA, *et al.*,

Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 11-3757

ORDER EXTENDING AND MODIFYING TEMPORARY RESTRAINING ORDER

Baker Hughes Incorporated and Baker Hughes Oilfield Operations, Inc. (collectively, “BHI”) have filed a trade-secrets lawsuit against two of its former employees, Daniel S. Homa and Robert W. Harman; FCTech, Inc., Homa and Harman’s new employer; FCT Fiber Cable Technology GmbH; and NBG Systems GmbH. This court previously granted BHI’s motion for an *ex parte* temporary restraining order against the defendants. (Docket Entry No. 6). Under that order, an injunction hearing was scheduled for November 16, 2011. (Docket Entry No. 7). On November 16, at the request of the defendants, the court heard argument on extending the current temporary restraining order to allow some discovery before holding a full evidentiary hearing on the preliminary injunction.

This court extends the previously granted temporary restraining order, (Docket Entry No. 6), until further order of the court. Under that order, the defendants—Homa, Harman, FCTech, FCT Fiber Cable Technology, and NBG Systems (including their respective officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with them):

(1) are enjoined from altering, destroying, deleting, or otherwise disposing of any hard drives, external-storage devices, electronic documents, or hard-copy documents, including research-and-development lab notebooks and R&D notes, that contain or are derived from BHI's trade secrets, confidential information, and proprietary information concerning optical fiber and fiber-optic technology; and

(2) must immediately return to BHI any hard drives, external-storage devices, electronic documents, or hard-copy documents, that belong to BHI or were obtained or derived from BHI's trade secrets and confidential and proprietary information concerning optical fiber or fiber-optic technology.

In addition, the court orders that all the defendants—Homa, Harman, FCTech, FCT Fiber Cable Technology, and NBG Systems (including their respective officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with them):

(3) **Fiber.** Do no research, development, or design (alone, or with or through third parties) on the following optical fibers for use in downhole applications or any markets using BHI's confidential or proprietary information or trade secrets:

(a) Pure Core Silica Fiber

(b) High NA Fiber

(c) Multi-Core Fiber

(d) PEEK-Coated Fiber

(e) Carbon-Coated Fiber;

(4) **Fiber Optic Sensors.** As to Homa, Harman, and FCTech, do no research, development, or design (alone, or with or through third parties) on fiber optic sensors

(including pressure or temperature point gauges, distributive temperature sensing, acoustic sensing, or strain sensing) and associated fiber and sensor interrogation techniques, for use in downhole applications or any markets using BHI's confidential or proprietary information or trade secrets;


(5) **Fiber Optic Cable.** Make no use of any information obtained from BHI (or obtained by Homa and Harman during their employment with BHI) to research, develop, or design any fiber optic cable in downhole applications or any markets using BHI's confidential or proprietary information or trade secrets. This includes working with anyone on specifications, testing, qualification criteria, or the like;

(6) **FCTech Facility.** Do no work on the FCTech fiber optic facility, including the selection, specification, design, or installation of equipment, where the design is derived from information or materials substantially derived from BHI in the course of Homa's or Harman's employment by BHI; and

(7) **Hire.** Do not hire, attempt to hire, or take any actions toward hiring any persons who currently work for BHI or who have worked for BHI in the past 12 months in the area of fiber optics.

This order will remain in effect until the court orders otherwise.

SIGNED on November 22, 2011, at Houston, Texas.



Lee H. Rosenthal
United States District Judge